

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
FILED
2004 AUG 10 P 2:11

ROBERT OLAFSON and
PATRICIA OLAFSON

v.

KYLE E. BYRNE, an BFI WASTE
SERVICES OF MASSACHUSETTS, LLC,
and MARGARET HAMILL

CIVIL ACTION NO. 04 10158MLW

**PLAINTIFF'S MOTION TO DEFER TIME FOR PRESENTING WRITTEN
SETTLEMENT PROPOSALS PURSUANT TO LOCAL RULE 16.1(C)**

The plaintiffs, Robert Olafson and Patricia Olafson, request relief from Local Rule 16.1 of the Rules of the United States District Court for the District of Massachusetts regarding the presentation of a written settlement proposal to the defendants prior to the initial scheduling conference. Plaintiffs are unable at this time to formulate a meaningful settlement proposal.

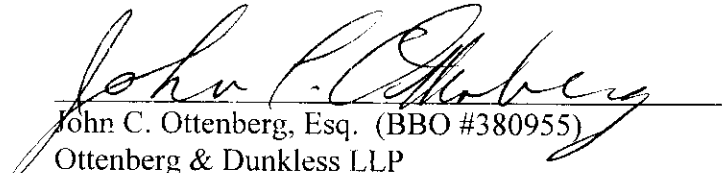
This case arises from an automobile accident in which the plaintiffs suffered injuries. Both plaintiffs continue to receive significant medical care and attention and their medical conditions are still not at end results. In particular, the plaintiff Robert Olafson had spinal surgery on May 10, 2004, and has been undergoing a period of convalescence since that time. In order to formulate an intelligent settlement demand, Robert Olafson and his counsel need the input of a medical expert to provide guidance with respect to Mr. Olafson's future medical course. Because of the recent surgery, Robert Olafson and his counsel have not been able to obtain such guidance at this point.

The plaintiff Patricia Olafson has an unresolved medical condition and also continues to receive regular care and treatment. It is therefore difficult at this point in time to accurately assess

the value of her claim.

For these reasons, plaintiffs request that the time within which they shall submit a settlement proposal to the defendants be extended for six months.

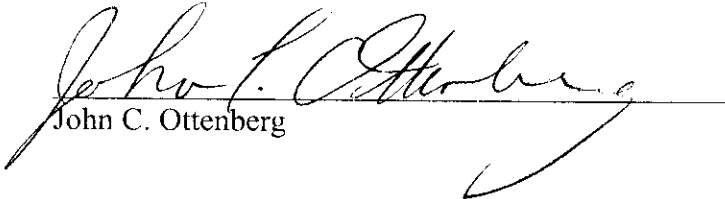
ROBERT OLAFSON and PATRICIA OLAFSON
By their attorney,


John C. Ottenberg, Esq. (BBO #380955)
Ottenberg & Dunkless LLP
101 Arch Street
Boston, MA 02110
617-342-8600

Dated: August 9, 2004

CERTIFICATION

I, John C. Ottenberg, certify that I discussed the enclosed motion with defendants' counsel and counsel for the defendants Kyle E. Byrne and BFI Waste Services of Massachusetts, LLC, indicated his assent to the motion and counsel for Margaret Hamill indicated that he had no opposition to the motion.


John C. Ottenberg

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CERTIFICATE OF SERVICE

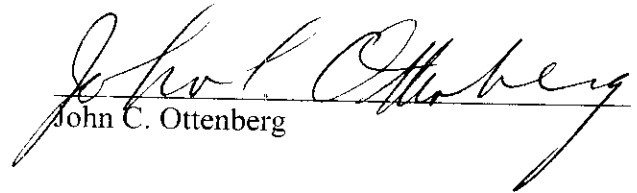
U.S. DISTRICT COURT
DISTRICT OF MASS

I, John C. Ottenberg, hereby certify that I served a copy of the within pleading by first class mail on this date, addressed as follows:

Bruce R. Fox, Esq.
278 Midstate Office Park
Auburn, MA 01501

Lee Stephen MacPhee, Esq.
Morrison, Mahoney & Miller, LLP
250 Summer Street
Boston, MA 02210-1181

Signed under the pains and penalties of perjury this 9th day of August, 2004.


John C. Ottenberg